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HOUSE BILL 100

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR  
OR DRUGS; PROVIDING PENALTIES FOR TAMPERING WITH AN IGNITION  
INTERLOCK DEVICE; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-503 NMSA 1978 (being Laws 2003,  
Chapter 239, Section 3, as amended) is amended to read:

"66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--  
EXCLUSIONS.--

A. A person whose driving privilege or driver's  
license has been revoked or denied may apply for an ignition  
interlock license from the division.

B. An applicant for an ignition interlock license  
shall:

(1) provide proof of installation of the

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1 ignition interlock device by a traffic safety bureau-approved  
2 ignition interlock installer on any vehicle the applicant  
3 drives; and

4 (2) sign an affidavit acknowledging that:

5 (a) operation by the applicant of any  
6 vehicle that is not equipped with an ignition interlock device  
7 is subject to penalties for driving with a revoked license;  
8 [~~and~~]

9 (b) tampering or interfering with the  
10 proper and intended operation of an ignition interlock device  
11 may subject the applicant to penalties for driving with a  
12 license that was revoked for driving under the influence of  
13 intoxicating liquor or drugs or a violation of the Implied  
14 Consent Act; and

15 [~~(b)~~] (c) the applicant shall maintain  
16 the ignition interlock device and keep up-to-date records in  
17 the motor vehicle showing required service and calibrations and  
18 be able to provide the records upon request.

19 C. A person who has been convicted of homicide by  
20 vehicle or great bodily injury by vehicle while under the  
21 influence of intoxicating liquor or drugs, as provided in  
22 Section 66-8-101 NMSA 1978, shall not be issued an ignition  
23 interlock license."

24 Section 2. Section 66-5-504 NMSA 1978 (being Laws 2003,  
25 Chapter 239, Section 4) is amended to read:

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1 "66-5-504. PENALTIES.--

2 A. A person who is issued an ignition interlock  
3 license and operates a vehicle that is not equipped with an  
4 ignition interlock device [~~in violation of the Ignition~~  
5 ~~Interlock Licensing Act]~~ is driving with a license that was  
6 revoked for driving under the influence of intoxicating liquor  
7 or drugs or a violation of the Implied Consent Act and shall be  
8 subject to the penalties provided in Section 66-5-39 NMSA 1978.

9 B. A person who is issued an ignition interlock  
10 license and who knowingly and deliberately tampers or  
11 interferes or causes another to tamper or interfere with the  
12 proper and intended operation of an ignition interlock device  
13 shall be subject to the penalties for driving with a license  
14 that was revoked for driving under the influence of  
15 intoxicating liquor or drugs or a violation of the Implied  
16 Consent Act as provided in Section 66-5-39 NMSA 1978."

17 Section 3. EMERGENCY.--It is necessary for the public  
18 peace, health and safety that this act take effect immediately.

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